

1.0 INTRODUCTION

- 1.1 This policy provides for the installation and removal of water flow restrictors on Council water supply service connections.

2.0 PURPOSE

- 2.1 To recover outstanding water charges through the restriction of water supply to individual premises or, as the case may require, to facilitate other purposes listed in Regulation 144 of the Local Government (General) Regulation 2005.

3.0 SCOPE

- 3.1 This policy applies to premises that have outstanding unpaid water accounts and, as the case may require, for other purposes listed in Regulation 144 of the Local Government (General) Regulation 2005.

4.0 POLICY STATEMENT


4.1 Responsibilities

The responsibility for the implementation of this policy will be shared between the Corporate Services and the Water and Waste departments.

4.2 Cutting of or Restricting Water Supply

Council will recover outstanding unpaid water rates or charges through the restriction of supply in accordance with Regulation 144 of the Local Government (General Regulation) 2005 which states:

- 1) *The council may cut off or restrict the supply of water to premises:*
- (a) *if any water meter used to measure that supply is out of repair or, in the opinion of the council, incorrectly registers the supply of water, or*
 - (b) *if any rates or charges in respect of the water supplied to the premises are unpaid, or*
 - (c) *if, in the opinion of the council, that action is necessary because of unusual drought or other unavoidable cause or any accident, or*
 - (d) *if the owner or occupier or person requiring a supply of water fails to comply with a lawful order or requirement of the council as to installing water meters or instruments for measuring the quantity of water supplied, or*
 - (e) *if the owner or occupier or person requiring a supply of water fails to comply with a lawful order or requirement of the council to repair or alter water connections, pipes, fittings or fixtures connected to the council's water supply system, or*

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- (f) *if the occupier of the premises contravenes a provision of Division 3 of this Part or fails to comply with any council order or public notice requiring consumers of water to economise its use in time of drought or scarcity of supply, or*
- (g) *if the owner or occupier of the premises fails to comply with a requirement of a council order to remove, replace, alter, extend, repair or stop using a water pipe, fitting or fixture.*
- 2) *The cutting off of the supply of water under this clause for non-payment of rates or charges does not affect the liability of the rateable person to pay those rates or charges.*
- 3) *If the council cuts off the supply of water to premises because:*
- (a) *there is no water meter installed on the premises, or*
- (b) *the water meter on the premises registers incorrectly, or*
- (c) *water rates or charges for the premises are unpaid,*
- the council may refuse to supply water to those premises until a water meter is installed on the premises, the water meter registers correctly or the water rates or charges are paid (as the case may require).*

4.3 Exemptions

No exemptions will be offered, except if the Owner / Occupier has health reasons for why the water restrictor should not be installed (e.g Dialysis Patients). Contact with Council should be made immediately and proof needs to be provided with a current doctor's certificate.

4.4 Procedure


When the installation of a water restrictor is required, Council staff will follow the "Water Flow Restrictor Procedure", save in the case of emergency.


5.0 DELEGATION

- 5.1 The General Manager is authorised, pursuant to Section 377 of the *Local Government Act 1993*, to allow a matter that does not conform with a policy to proceed if the General Manager is of the opinion that the variation from the Policy is of a minor nature.

6.0 REFERENCES

- 6.1 *Local Government Act 1993*
 Local Government (General) Regulation 2005
 NSW Water Directorate

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7.0 DISPUTE RESOLUTION PROCEDURE

7.1 In the event of a dispute over any aspect of this policy, immediate action will be taken to resolve the situation through effective and constructive consultation between the parties concerned. If a resolution cannot be reached, the services of a mediator will be requested to finalise the matter to the satisfaction of all parties concerned.

8.0 ATTACHMENTS


8.1 Water Flow Restrictor Procedure

9.0 REVIEW

9.1 This policy is to be reviewed on an annual basis from the date of its original adoption by Council and in accordance with the Policy on Policy Making.

POLICY TITLE: WATER FLOW RESTRICTOR POLICY

File Reference No: 11-0353

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1.0 INTRODUCTION

- 1.1 These procedures are to be read in conjunction with the Water Flow Restrictor Policy document.

2.0 PURPOSE

- 2.1 To recover outstanding water charges through the restriction of water supply to individual premises or as the case may require to facilitate other purposes listed in Regulation 144 of the Local Government (General) Regulation 2005.

3.0 SCOPE

- 3.1 This procedure applies to any Council employee involved in the process of installing a Water Flow Restrictor.

4.0 PROCEDURES

- 4.1 A water flow restrictor will only normally be fitted when all avenues of the debt recovery process have been exhausted.

4.2 Final Notice and Intention to Restrict Flow

4.2.1 A Notice of Intention to enter premises and fit a restrictor (refer Section 4.7) is delivered to the billing address and also the premises (to avoid Council becoming involved in rental disputes). This notice is to contain the date Council will install the restrictor. The Water and Waste Department confirms the actual meter number onsite against the meter number on the notice (avoids delivery to wrong house). Notice should be sent registered mail or hand delivered. A copy is to be provided to the Water and Waste Department, so arrangements can be made for the date flow restriction is required. The notice will also contain fees and charges associated.


4.2.2 Restrictors will only be avoided if the owner makes contact with Council to pay the full amount or make payment arrangements. The restrictor will be fitted if no contact is made with Council before the date on the Intention to Restrict Flow notice.

4.2.3 Residents will be given fourteen (14) days' notice, from the date of the Intention to Restrict Flow notice.

4.3 Flow Restrictor Installation

4.3.1 A restrictor will be placed at least two (2) business days before a weekend or holiday period.

4.3.2 Restrictor will be placed after 10.00am.

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4.3.3 Two (2) staff members will be present at each installation.

4.3.4 Field staff will check the meter number, house number and the numbers on the Intention to Restrict Flow notice before the installation of the restrictor.

4.3.5 A flow restrictor of 2.5 litres per minute will be utilised.

4.3.6 The restrictor will be placed on Council's side of the meter (for legal reasons).

4.4 After the Installation

4.4.1 Payment arrangements can be made with Council's Debt Recovery Officer, with total debt to include the restrictor fee and any other fees associated with the installation.

4.4.2 Once the restrictor is installed, it will only be removed on the advice from the Rates Department to the Water and Sewer Superintendent, that a satisfactory arrangement has been put in place.

4.4.3 If the Water and Sewer Superintendent is notified before 12.00pm, removal will be carried out that day. If the advice is received after 12.00pm, it may be removed that day but is likely to be removed the next day.

4.4.4 While every attempt will be made to remove the restrictor as soon as possible, work will only be undertaken during normal working hours, unless otherwise instructed by the Water and Waste Manager.

4.5 Breach of Agreement/ Unauthorised removal

4.5.1 If the arrangement is breached, the restrictor will be installed again, and there will be no removal until the full debt (including the associated fees) are paid in full.

4.5.2 If the restrictor is tampered with, Council will reinstall a second restrictor and advise the occupant/ owner of potential fines associated with tampering and a second restrictor fee will be added to their account. If the second restrictor is removed Council will issue a "Notice to Disconnect".


4.5.3 If an account is still unpaid after six (6) months of the restrictor being installed, Council will then send a "Notice to Disconnect" to the owner/ resident.

4.6 Notice To Disconnect

4.6.1 Council will issue a Notice to Disconnect if:

4.6.1.1 A restrictor is removed by owner/resident for a second time; or

4.6.1.2 An account remains unpaid after six (6) months from the installation of the restrictor.

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4.6.2 Council will provide written “Notice of Intention to Disconnect the Water Supply”, fourteen (14) days from the date of the Notice, without further notice.

4.6.3 Notice is to be by Registered Mail or Hand Delivered. A copy is to be provided to the Water and Waste Department.

4.6.4 The water supply will not be reconnected until all outstanding water charges and a reconnection fee has been paid in full.

4.7 **Final Notice and Intention to Restrict Flow (Draft)**

NOTICE TO OWNER OR OCCUPIER OF: *[insert details]*

INTENTION TO ENTER PREMISES AND FIT A FLOW RESTRICTOR

Assessment No: *[insert details]*

Council issued a final demand notice for water supply to this property seeking payment by *[insert date]*. Council records indicate insufficient or no payments have been received with respect to this demand. The amount outstanding is \$*[insert amount]*.

In accordance with Section 193 of the *Local Government Act 1993*, you are now given written notice that Council workers will enter the premises on *[insert date]* for the purpose of fitting a flow restrictor to the water service if payment has not been received or satisfactory arrangements have not been made with Council for payment by 4.00pm on *[insert date]*.

Payment methods are detailed on the back of this notice. Council field staff cannot accept onsite payments.

The flow restrictor will remain in place until the account is paid or arrangements, satisfactory to Council, have been made for payment. Payment of \$*[insert amount]* in addition to the amount due will be required for the removal of the water restrictor.

If the payment arrangements are breached, or the water restrictor is tampered with, Council will then reinstall a water restrictor and a further \$*[insert amount]* will be added to your account. The cutting off or restricting water supply is permitted under the *Local Government Act 1993* and the *Local Government Regulation 2005*. Please find **attached** Council’s Water Restrictor Policy and Procedure for further information.

I urge you to take action now to avoid any disruption to your water supply due to non-payment of this water account.

Yours faithfully,

David Wolfenden
MANAGER - WATER AND WASTE


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5.0 REFERENCES

NSW Water Directorate

6.0 REVIEW

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